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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,106	01/28/2004	Richard D. Ferris	FERR-004	9707
21884	7590	11/18/2004	EXAMINER	
WELSH & FLAXMAN LLC 2450 CRYSTAL DRIVE SUITE 112 ARLINGTON, VA 22202			BLAU, STEPHEN LUTHER	
			ART UNIT	PAPER NUMBER
			3711	

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/765,106	<b>Applicant(s)</b> FERRIS, RICHARD D.	
	<b>Examiner</b> Stephen L. Blau	<b>Art Unit</b> 3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 June 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/22/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Priority***

1. An application in which the benefits of an earlier application are desired must contain a specific reference to the prior application(s) in the first sentence of the specification or in an application data sheet (37 CFR 1.78(a)(2) and (a)(5)). The specific reference to any prior nonprovisional application must include the relationship (i.e., continuation, divisional, or continuation-in-part) between the applications except when the reference is to a prior application of a CPA assigned the same application number. The patent number needs to be added to reference to the prior application.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2 and 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cacicedo in view of Bloom and Takeuchi.

Cacicedo discloses a hand grip having an oval shape with a front edge having a larger radius than a rear edge (Fig. 10), an upper edge and a lower edge (Fig. 17), an oval cross section shape along substantially the entire handle between an upper and lower edge (Fig. 17), and a grip cap having no vent hole (Fig. 13) in order to establish a stiffness and feel to a hand grip (Abstract).

Cacicedo lacks a putter, an oval cross section shape along the entire handle between an upper and lower edge, a length dimension being perpendicular to a first plane of a ball striking face, alignment indicia on an upper edge with a first alignment line in a direction perpendicular to a first plane of a ball striking face, and a second alignment line being perpendicular to a first alignment line, parallel to a ball striking face and intersecting a first alignment line.

Bloom discloses a putter (Fig. 4), an elongated axis of an oval, cross-sectional shape having a length being perpendicular to the plane of the ball striking face (Abstract), and an oval cross section shape along the entire handle between an upper and lower edge in order to have an ergonomic gripping surface that promotes a preferred palm and promotes proper hand and body placement (Abstract). In view of the patent of Bloom it would have been obvious to modify the club of Cacicedo to include a putter in order to utilize the advantages of establishing a stiffness and feel to a hand grip for a putter. In addition, in view of the patent of Bloom it would have been obvious to modify the club of Cacicedo to have an elongated axis of an oval along the entire handle between an upper and lower edge, cross-sectional shape having a length being perpendicular to the plane of the ball striking face in order to have an ergonomic

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gripping surface that promotes a preferred palm and promotes proper hand and body placement along the entire handle.

Takeuchi discloses a grip with a top flat surface having an edge having indicia being a first alignment line perpendicular to a second alignment line (Fig. 3) for a grip with a different shaped edges (Fig. 2) and a vent hole preventing lines from intersection in order to assist in fitting and angle adjustment of a grip on a shaft (Abstract). In view of the patent of Takeuchi it would have been obvious to modify the putter of Cacicedo to have a top flat surface having an edge having indicia being a first alignment line perpendicular to a second alignment line and longer than a second alignment line in order to assisting in fitting and angle adjustment of a grip on a shaft. For a player who requires no angle adjustment, the alignment indicia would be a first alignment line bisecting an oval shaped handle and perpendicular to a first plane of a ball striking face and a second alignment line perpendicular to a first alignment line and parallel to a ball striking face. It would have been obvious to not have a vent hole and have a first alignment line intersection a second alignment line forming a cross in order to provide more of lines to align a grip on a club.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cacicedo in view of Bloom and Takeuchi as applied to claims 1-2 and 4-5 above, and further in view of Eberle or Dishner.


Cacicedo lacks a handle extending at least half of the overall length of the club from the head to the upper end of a shaft. Eberle discloses an elongated handle having

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a generally oval, cross-sectional shape including rounded front and rear edges (Fig. 3), an elongated axis of an oval, cross-sectional shape being perpendicular to the plane of the ball striking face (Col. 3, Lns. 55-57), and a handle having a length approximately half the overall length of the golf club (Fig. 1) in order to have a pendulum type putter (Col. 1, Lns. 7-32). Dishner discloses an elongated handle having a generally oval, cross-sectional shape including rounded front and rear edges (Fig. 3), and a handle having a length approximately half the overall length of the golf club (Figs. 5-6) in order to have a length adaptable to a wide variance of personal stances and physiognomy (Col. 4, Lns. 13-14). In view of the patent of Eberle or Dishner it would have been obvious to modify the putter of Cacicedo to have a handle extending at least half of the overall length of the club from the head to the upper end of a shaft in order to be able to modify the stiffness and feel for a handle of a pendulum type putter and to have a length adaptable to a wide variance of personal stances and physiognomy.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Blau whose telephone number is (571) 272-4406. The examiner is available Monday through Friday from 8 a.m. to 4:30 p.m.. If the examiner is unavailable you can contact his supervisor Greg Vidovich whose telephone number is (571) 272-4415.

  
STEPHEN BLAU  
PRIMARY EXAMINER

slb/ 15 November 2004